IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14386 of 2004

Between:

Smt. Yamsani Chandrakala, W/o Krishna Murthy,
Mulugu Mandal, Medak District.

..... PETITIONER

AND

The Revenue Divisional Officer, Siddipet Division at Siddipet, Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. B/695/2002 dated 22-4-2002 issued by respondent is illegal, arbitrary and set aside the same

Counsel for the Petitioner: MR.R.BOLLAM LINGAIAH YADAV

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

Petitioner is an authorised dealer of Fair Price Shop of Damarakunta village, Mulugu Mandal. It appears that in pursuance of seizure effected by the Mandal Revenue Officer, Mulugu Mandal, in the year 2002 on an allegation that the petitioner indulged in diversion of rice allotted under 'food for work' to black market, proceedings were initiated under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'). After conducting due enquiry under Section 6-A of the Act, the seized stocks were confiscated. Aggrieved by the same, the petitioner preferred an appeal under Section 6-C of the Act. It appears that the said appeal is still pending. In the meanwhile, the Revenue Divisional Officer, Siddipet Division, by proceedings dated 22.04.2002 cancelled the authorisation of the petitioner. The petitioner preferred an appeal before the Joint Collector, Medak, contending, *inter alia*, that the order of cancellation without affording an opportunity to him to explain the allegations is arbitrary and illegal. The Joint Collector, Medak, disposed of the appeal by order dated 28.11.2003, with a direction to the Revenue Divisional Officer to pass appropriate orders afresh after considering the explanation submitted by the petitioner and after affording an opportunity of hearing to the petitioner. There was also a direction that the said enquiry shall be completed within one month. However, the respondent herein-the Revenue Divisional Officer failed to complete the enquiry within the time fixed by the Joint Collector. Aggrieved by the same, the petitioner filed W.P.No.4600 of 2004. The said writ petition was disposed of by this Court by order dated 12.03.2004, holding that the Revenue Divisional Officer is under obligation to comply with the orders of the Joint Collector and accordingly the Revenue Divisional

Officer was directed to dispose of the case after giving due opportunity to the petitioner within a period of four weeks. The grievance of the petitioner is that in spite of the orders of this Court, the respondent failed to complete the enquiry. Hence, this writ petition seeking a declaration that the order of cancellation dated 22.04.2002 is arbitrary and illegal, and consequently set aside the same.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies appearing for the respondent.

When the writ petition was taken up for consideration on 16-08-2004, at the request of the learned Government Pleader, the matter is adjourned to today so as to obtain instructions whether the enquiry is still pending. Today, the learned Government Pleader, under instructions, states that the enquiry is pending. The order of the Joint Collector directing fresh enquiry was passed on 28-11-2003. Even the order of this Court was passed as long back as on 12-03-2004. The action of the respondent in not completing the enquiry even till today in spite of the orders of this Court is reprehensible. In the circumstances, though the relief as prayed for cannot be granted, I deem it appropriate to dispose of the writ petition with a direction to the respondent to complete the enquiry and to pass appropriate orders in accordance with law in terms of the order of the Joint Collector, dated 28-11-2003 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, failing which the order of cancellation dated 22-04-2002 shall stand cancelled.

Accordingly, the writ petition is disposed of. No costs.

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23.08.2004

Note: Furnish CC in two days

(b/o)

VGB

To

1.The Revenue Divisional Officer, Siddipet Division at Siddipet, Medak District.

2.2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)

3.2CD copies